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Paper: Response to Notice to Comply with Requirements (in duplicate w/First Class Mailing Stamp); copy of Notice; Amendment under 1.825; Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821-1.825; Paper copy of Sequence Listing; Diskette containing computer readable copy of Sequence Listing via Express Mail EL722985592US.

Applicant(s): Van Eyk et al.
Serial No.: 09/419,901
Filed: October 18, 1999
Docket No.: 1997-023-04U (PTQ-0028)

Date Sent: August 30, 2001

EL722985592US

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VERAGE

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person at secure location) and I authorize
delivery to me at my current address.

Customer Signature _____

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PATENTS

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to person immediately arrested.
should be used to enter the
the territory of each country.

92 /

EMS

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Label 11-F August 2000

OCT 31 2005

TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
1997-023-04US (PTQ-0028)In Re Application Of: **an Eyk et al.**

Serial No.

09/419,901

Filing Date

October 18, 1999

Examiner

Lisa V. Cook

Group Art Unit

1641

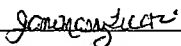
Title:- **METHODS OF DIAGNOSING MUSCLE DAMAGE**TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Response to Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure, Amendment under 1.825, Statement to Support Filing and Submission in Accordance with 37 CFR 1.821 through 1.825, Paper copy of the Sequence Listing, Computer readable form of Sequence Listing and copy of Notice to Comply.

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **50-1619** as described below? A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.



Signature

Dated: **August 30, 2001**

Jane Massey Licata
Reg. No. 32,257
Licata & Tyrrell P.C.
66 E. Main Street
Marlton, NJ 08053
Tel: 856-810-1515
Fax: 856-810-1454

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

PTQ-0028

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No. EL722985592US

Date of Deposit: August 30, 2001

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R 1.10 on the date indicated above and is addressed to the "BOX SEQUENCE", Assistant Commissioner for Patents, Washington, D.C. 20231.

- 1) General Transmittal Letter (2 copies);
- 2) Amendment under §1.825;
- 3) Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825;
- 4) Paper copy of the Sequence Listing;
- 5) Diskette containing computer readable copy of Sequence Listing
- 6) Copy of Notice to Comply; and
- 7) Return Postcard.

Jane Massey Licata

JANE MASSEY LICATA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 1997-023-04U (PTQ-0028)
Inventors: Van Eyk et al.
Serial No.: 09/419,901
Filing Date: October 18, 1999
Examiner: L. Cook
Group Art Unit: 1641
Title: Methods of Diagnosing Muscle Damage

"Express Mail" Label No. EL722985592US
Date of Deposit August 30, 2001

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By Jane Massey Licata
Typed Name: Jane Massey Licata, Reg. No. 32,257

BOX SEQUENCE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE**

In response to the "Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" which was included in the Notice of Missing Parts dated **July 31, 2001**, a response to which is due **August 31, 2001**, enclosed herewith is:

(XX) Amendment under 1.825;

(XX) Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;

(XX) Paper copy of the Sequence Listing;

(XX) Computer readable form of amended Sequence Listing;

(XX) Copy of Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;

() Petition for Three (3) Month Extension of Time;

() Other: ____.

The Commissioner is hereby authorized to charge any underpayment associated with this communication or credit any overpayment to Deposit Account No. 50-1619. This sheet is attached in duplicate.

Respectfully submitted,

Jane Massey Licata

Jane Massey Licata
Registration No. 38,350

Date: **August 30, 2001**

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 1997-023-04U (PTQ-0028)
Inventors: Van Eyk et al.
Serial No.: 09/419,901
Filing Date: October 18, 1999
Examiner: L. Cook
Group Art Unit: 1641
Title: Methods of Diagnosing Muscle Damage

"Express Mail" Label No. EL722985592US
Date of Deposit: August 30, 2001

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with the United States Postal Service "Express Mail
Post Office to Addressee" service under 37 CFR 1.10
on the date indicated above and is addressed to the
Assistant Commissioner for Patents, Washington,
D.C. 20231.

By Jane Massey Licata
Typed Name: Jane Massey Licata, Reg. No. 32,257

BOX SEQUENCE
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

AMENDMENT

In reply to the Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure dated **July 31, 2001**, a response to which is due **August 31, 2001**, it is requested that the following amendments to the application be made.

In the Specification:

Please replace Table 1 of the specification with the following:

Table 1. Identification of proteins affected by ischemia and ischemia/reperfusion by amino acid sequencing

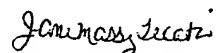
Amino Acid Sequence	Protein	Residue Number	First Identified Amino Acid (pmole)	Tissue Sampled
XXKKPE(P/A)KADDA (SEQ ID NO:1)	myosin light chain1	1-12	2.6	global ischemia myofibrils & 60I/45RP tissue
XPAPAAAPAAAP (SEQ ID NO:2)	myosin light chain1	20-31	6.0	global ischemia myofibrils
XKVALGAXGGI (SEQ ID NO:3)	malate dehydrogenase	1-11	3.2	60I/45 RP tissue
XXLKDITRRLKSI (SEQ ID NO:4)	ATP g synthase chain	1-13	4.5	60I/45RP tissue
XXXKLVRPPVQ (SEQ ID NO:5)	ATP synthase oligomycin conferring protein	1-10	2.3	60I/45RP tissue
XAHKSEIAHR (SEQ ID NO:6)	serum albumin	1-10	12.4	60I/45RP effluent
XPS(R/L)KFFVGGN (SEQ ID NO:7)	triose phosphate isomerase	1-11	9.9	60I/45RP effluent

Also, please enter into the instant application, the paper copy and computer readable form of the Sequence Listing provided herewith.

Data presented in the Sequence Listing is identical to that presented in Table 1 as originally filed. Amendments to Table 1 were made to include the appropriate Sequence Identifiers. Thus, no new matter has been added by this amendment.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

Respectfully submitted,



Jane Massey Licata
Registration No. 32,257

Date: **August 30, 2001**

LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Please replace Table 1 of the specification with the following:

Table 1. Identification of proteins affected by ischemia and ischemia/reperfusion by amino acid sequencing

Amino Acid Sequence	Protein	Residue Number	First Identified Amino Acid (pmole)	Tissue Sampled
XXKKPE(P/A)KADDA (SEQ ID NO:1)	myosin light chain1	1-12	2.6	global ischemia myofibrils & 60I/45RP tissue
XPAPAAAPAAAP (SEQ ID NO:2)	myosin light chain1	20-31	6.0	global ischemia myofibrils
XKVALGAXGGI (SEQ ID NO:3)	malate dehydrogenase	1-11	3.2	60I/45 RP tissue
XXLKDITRRLKSI (SEQ ID NO:4)	ATP g synthase chain	1-13	4.5	60I/45RP tissue
XXKLVRPPVQ (SEQ ID NO:5)	ATP synthase oligomycin conferring protein	1-10	2.3	60I/45RP tissue
XAHKSEIAHR (SEQ ID NO:6)	serum albumin	1-10	12.4	60I/45RP effluent
XPS(R/L)KFFVGGN (SEQ ID NO:7)	triose phosphate isomerase	1-11	9.9	60I/45RP effluent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 1997-023-04U (PTQ-0028)
Inventors: Van Eyk et al.
Serial No.: 09/419,901
Filing Date: October 18, 1999
Examiner: L. Cook
Group Art Unit: 1641
Title: Methods of Diagnosing Muscle Damage

"Express Mail" Label No. EL722985592US
Date of Deposit - August 30, 2001

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By Jane Massey Licata
Typed Name: Jane Massey Licata, Reg. No. 32,257

BOX SEQUENCE

Assistant Commissioner for Patents
Washington, D.C. 20231

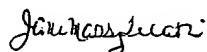
Sir:

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE
WITH 37 CFR §§ 1.821 THROUGH 1.825**

- (XX) I hereby state, in accordance with the requirements of 37 C.F.R. §1.821(f), that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively are the same.
- () I hereby state that the submission filed in accordance with 37 CFR §1.821(g) does not include new matter.
- () I hereby state that the submission filed in accordance with 37 CFR §1.821(h) does not include new matter or go beyond the disclosure in the international application as filed.

- (XX) I hereby state that the amendments, made in accordance with 37 CFR §1.825(a), included in the substitute sheet(s) of the Sequence Listing were made to conform with the current Sequence Listing rules. I hereby state that the substitute sheet(s) of the Sequence Listing does not include new matter.
- (XX) I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(b), is the same as the amended Sequence Listing.
- (XX) I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(d), contains identical data to that originally filed.

Respectfully submitted,



Jane Massey Licata
Registration No. 32,257

Date: August 30, 2001

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515

SEQUENCE LISTING

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 Labugger, Ralf
 Neverova, Irena

<120> Methods of Diagnosing Muscle Damage

<130> 1997-023-04U

<140> 09/419,901

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LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, NJ 08053
(856) 810-1515

APPLICANT: Van Eyk et al.
TITLE: Methods of Diagnosing Muscle
Damage
RECORDING DATE: August 24, 2001
OPERATING SYSTEM: WINDOWS 95
DOCKET NO: 1997-023-04U
SERIAL NO: 09/419,901
FILED: October 18, 1999

Notice to Comply	Application No.	Applicant(s)	
	09/419,901	Van Eyk <i>et al.</i>	
	Examiner	Art Unit	
	Lisa V. Cook	1641	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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